

17. ADMINISTRATION OF JUSTICE

Table 17-1. Federal Resources in Support of Administration of Justice
(In millions of dollars)

Function 750	2000 Actual	Estimate					
		2001	2002	2003	2004	2005	2006
Spending:							
Discretionary Budget Authority ...	27,056	29,955	29,782	31,918	32,269	32,760	33,517
Mandatory Outlays:							
Existing law	996	673	1,458	1,117	2,543	2,467	2,534

Note: 2002–2004 program levels reflect delays in spending from the Crime Victims Fund.

While States and localities bear most of the responsibility for fighting crime, the Federal Government plays a critical role, both in supporting State and local activities and in investigating and prosecuting criminal acts that require a Federal response. In 2002, the Federal Government proposes to spend nearly \$30 billion on the administration of justice, with 67 percent of these funds going to the Justice Department, and the majority of the remaining funds going to the Treasury Department and the Judicial Branch. Total Federal, State, and local resources devoted to the administration of justice will grow to an estimated \$181 billion in 2002 (see Chart 17-1).

In 1999, the crime rate (number of crimes per 100,000 inhabitants) fell for the eighth consecutive year. However, the crime rate reported for the first six months of 2000, the most recent period for which figures are available, fell only 0.3 percent from the same period in 1999. In response, the budget requests substantial funding for proven anti-crime programs, including: (1) law enforcement; (2) litigative and judicial activities; (3) correctional activities; and (4) assistance to State and local entities (see Chart 17-2).

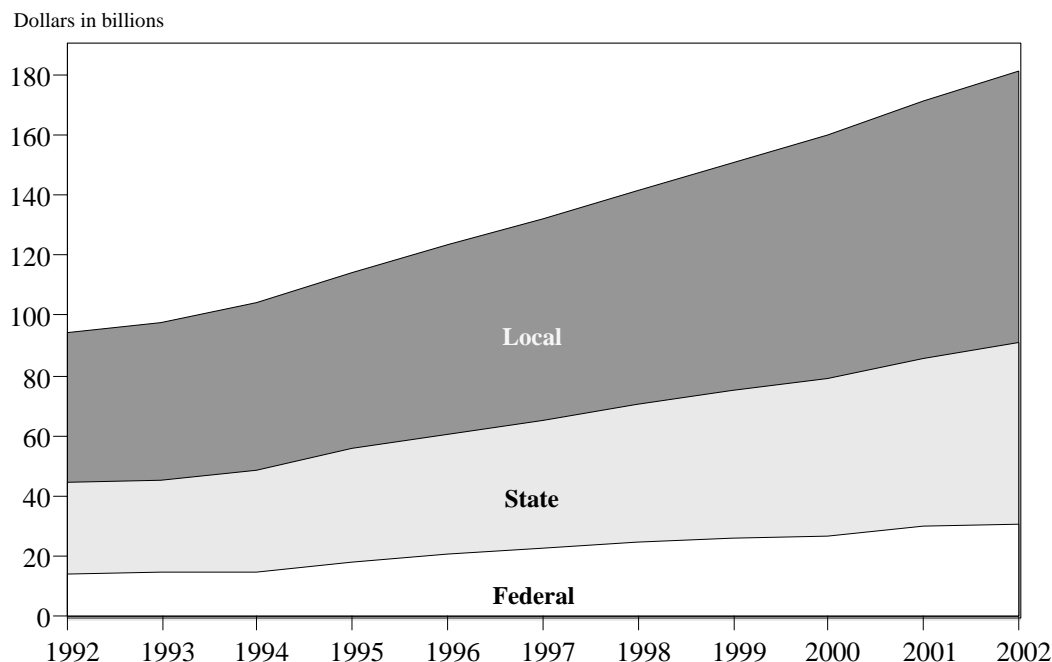
Law Enforcement

Department of Justice (DOJ): DOJ enforces diverse Federal laws dealing with terrorism, immigration, white collar crime, vio-

lent crime, drug smuggling, and many other criminal acts. DOJ bureaus work closely with State and local law enforcement agencies, often through joint task forces, to address crime problems.

National security and terrorism: DOJ, with strong support from Congress, has acted to prevent, mitigate, and investigate acts of terrorism, including the use of weapons of mass destruction and the emerging threat of cybercrime. The Department will spend an estimated \$902 million in 2001 to combat terrorism, primarily in the Federal Bureau of Investigation (\$491 million) and the Office of Justice Programs (\$221 million).

The FBI has primary responsibility for preventing domestic acts of terrorism. If an incident should occur, it is the lead investigative agency. The FBI also has developed the capacity to mitigate and investigate cyberattacks against the Federal Government, the Nation's critical infrastructure, and American businesses. The budget proposes additional personnel and funding for new technology to support this effort. Additional funding is requested to provide security at the 2002 Winter Olympics in Salt Lake City. The budget also proposes additional resources for the Criminal Division to provide prosecutorial assistance for all terrorist incidents, including cyber-terrorism, serving as a focal point for such efforts at all levels of law enforcement.

Chart 17-1. Administration of Justice Expenditures

Note: Federal data includes discretionary expenditures only.

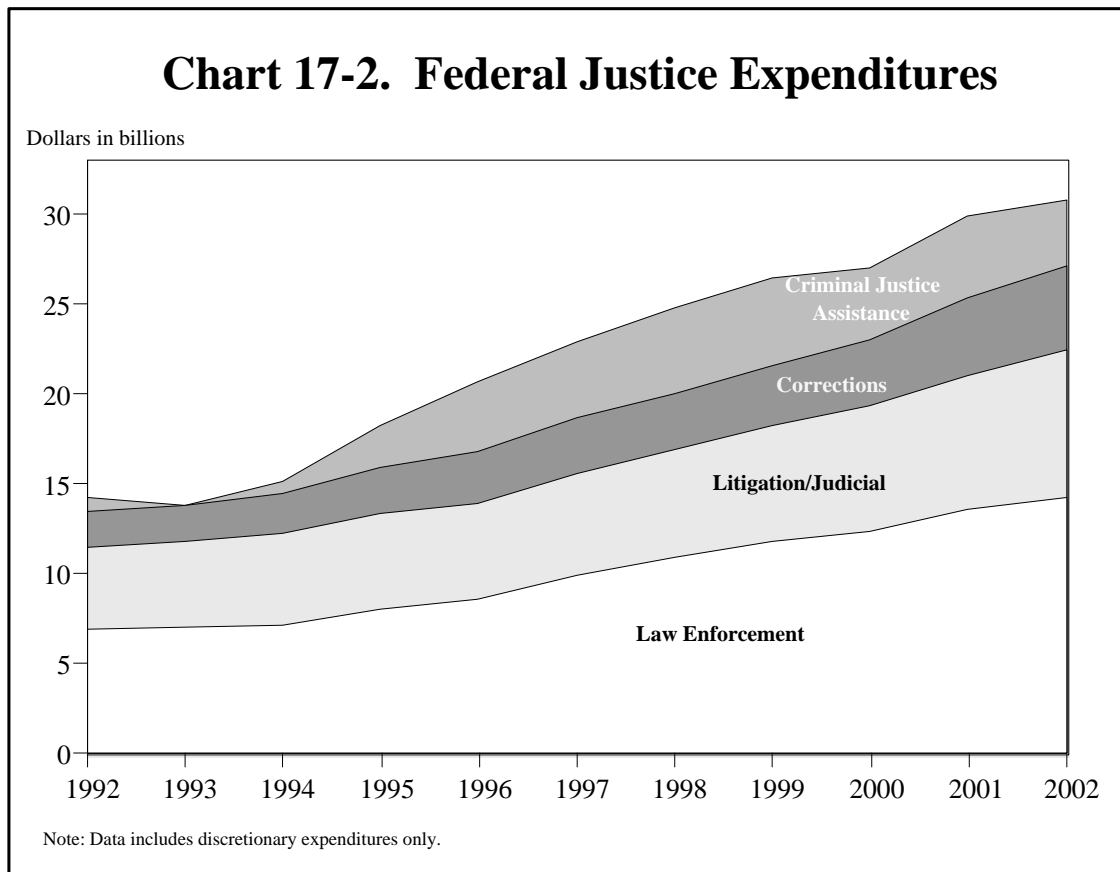
State and local public safety agencies would have a major role in managing the consequences of any terrorist event involving the use of weapons of mass destruction, such as biological, chemical, or nuclear weapons. DOJ and other Federal agencies support the necessary training and equipping of State and local agencies to ensure their response readiness.

- In 2002, DOJ's Office of State and Local Domestic Preparedness Support plans to train an additional 12,000 of the Nation's first responders.

Immigration enforcement and services: DOJ's Immigration and Naturalization Service (INS) protects the U.S. borders from illegal immigration while providing services to legal aliens. Over \$3.5 billion is requested for INS in 2002, \$264 million (8.1 percent) more than was appropriated for 2001. The 2002 Budget proposes to add 570 new Border Patrol agents in both 2002 and 2003. With these 1,140 additional agents, the total increase of 5,000

Border Patrol agents authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 will be achieved. Approximately 11,000 agents will be deployed along the Nation's northern and southern borders by the end of 2003, 12 percent more than the 2001 level of 9,800 agents.

- As part of its comprehensive enforcement strategy, INS removed from the United States 183,860 illegal aliens pursuant to final removal orders in 2000, a slight increase over the 1999 level (178,200), and plans to increase removals in 2002 (193,200), of which roughly 72,000 will be criminal aliens.
- In 2002, INS will continue to focus on strengthening its capability to apprehend and deter alien smugglers and drug carriers. In 2000, INS intercepted roughly 19,000 offshore travelers, over twice the number in 1999 (9,124). INS plans to maintain this level of interceptions in 2001 and 2002.



- INS reduced the average time between application receipt and naturalization decisions for qualified candidates from a national average of 27 months in 1998 to eight months by the end of 2000. However, applicants for other immigration benefits—including adjustment of status applications for both employment-based and family-based petitions—continue to wait years for their paperwork to be processed. The 2002 Budget proposes a five-year, \$500 million initiative to support a universal six-month processing standard for all immigration applications.
- INS performance is adversely affected by competing missions—law enforcement versus service delivery. To mitigate internal conflicts, the Administration will propose splitting INS into two agencies with separate chains of command, but reporting to a single policy official in DOJ.

Other law enforcement efforts: DOJ also combats other serious criminal activity, includ-

ing violent crime, illegal drugs, and white collar crime. These efforts are lead by the FBI and the Drug Enforcement Administration. The U.S. Marshals Service protects the Federal courts and their officers, apprehends fugitives, and maintains custody of prisoners involved in judicial proceedings.

- In 2002, the Federal Government will continue its commitment to reduce the incidence of violent crime.
- DOJ will dismantle three of the 30 violent gangs identified as the country's most dangerous.
- In 2002, the U.S. Marshals Service intends to improve its performance, apprehending 80 percent of violent offenders within one year of the issuance of a warrant, and reducing the fugitive backlog by five percent from 2001 levels. At the end of 2000,

there were 8,642 outstanding fugitive warrants.

- In addition, the U.S. Marshals Service will strive to ensure that no judge, witness, or other court participant is the victim of an assault stemming from his or her involvement in a Federal court proceeding. This is an ongoing standard of zero tolerance related to court security.

Department of the Treasury: Within the Treasury Department, the U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms (ATF), United States Secret Service, and other bureaus enforce laws related to drug and contraband at our borders; commercial fraud; firearms trafficking; arson and explosives crimes; and financial crimes, including money laundering, counterfeiting, and credit card fraud. In addition, the Customs Service regulates the importation and exportation of goods; ATF regulates the alcohol, tobacco, firearms, and explosives industries; and, the Secret Service protects the President, Vice President, and visiting foreign dignitaries. The Federal Law Enforcement Training Center provides basic and advanced training to Treasury and other law enforcement personnel. The Financial Crimes Enforcement Network supports law enforcement agencies in the detection, investigation, and prosecution of domestic and international money laundering.

In 2002, the Treasury Department plans to:

- help solve violent crimes and reduce firearms trafficking by tracing up to 215,000 firearms used in criminal activities, compared to 209,396 in 2000, and by reducing its trace response time from 11.4 days in 1999 to 10 days;
- ensure the physical protection of the President, Vice President, visiting foreign dignitaries, and others protected by the Secret Service;
- maintain or improve upon its 99-percent collection rate for trade revenue (duties, taxes, and user fees); and
- improve importer compliance with trade laws (e.g., quotas, trademarks, cargo and merchandise classification) from 81 percent in 1997 to 90 percent in 2002.

The Customs Service, which plays an integral role in our Nation's drug enforcement and reduction strategies, will also continue implementation of the Western Hemisphere Drug Elimination Act (WHDEA). New funding for Customs (as well as the Coast Guard) will enhance efforts authorized by the WHDEA, including purchasing equipment, training law enforcement personnel in matters relating to maritime law enforcement, and enhancing interdiction against drug transit operations in the source zone.

Federal Drug Control Activities: In 1997, the Office of National Drug Control Policy (ONDCP) led Federal agencies involved in drug control activities in the development of a comprehensive, 10-year National Drug Control Strategy that incorporated aggressive societal goals for anti-drug programs. The goals established can not be met by Federal action alone, but require action by State, local, and foreign governments, the private sector, religious institutions, not-for-profit agencies, and individuals. ONDCP also led the development of a Performance Measures of Effectiveness (PME) system to track progress toward the goals of the Strategy. The PME system comprises 97 performance targets that define the drug control community's five and 10 year objectives. Much more progress will be necessary to meet these targets. The performance targets include:

- Reducing the overall rate of illegal drug use in the United States from the 1996 baseline by 25 percent by 2002 and by 50 percent by 2007. In 1999, the overall rate of illegal drug use was 7.0, statistically unchanged from the baseline year;
- Reducing the rate of drug-related violent crime by 15 percent by 2002, compared to the 1996 baseline, and by 40 percent by 2007. The rate of violent crime, regardless of cause, from the Uniform Crime Reports is used as a proxy for drug-related violent crime. In 1999, the violent crime rate was 525 per 100,000 U.S. inhabitants, compared to 636 in 1996, a 17-percent decline; and
- Reducing the number of chronic drug users by 20 percent from the 1996 baseline by 2002 and by 50 percent by 2007. In 2000, the most recent year for which such

data are available, the estimated number of chronic hardcore cocaine users declined marginally from 3.41 million users in 1996 to 3.33 million. The number of chronic hardcore heroin users increased from 917,000 to 977,000 over the same period.

The strategy established in 1997 will continue to guide Federal drug control activity. However, led by ONDCP, the Administration will review the strategy with the goal of distinguishing approaches that are yielding sufficient results from those approaches that are not. In particular, the review will look closely at the relative emphasis on demand reduction and supply reduction activities, as well as the amounts invested in individual programs by the Federal Government. The Administration intends to develop a drug control strategy that adequately addresses the problem, and is evidence-based, cost effective, and affordable.

Civil Rights Laws: Federal responsibility to enforce civil rights laws in employment and housing arises from Titles VII and VIII of the Civil Rights Act of 1964, as well as more recent legislation, including the Age Discrimination in Employment Act and the Americans with Disabilities Act. The Department of Housing and Urban Development (HUD) enforces laws that prohibit discrimination on the basis of race, color, sex, religion, disability, familial status, or national origin in the sale or rental, provision of brokerage services, or financing of housing. The Equal Employment Opportunity Commission enforces laws that prohibit employment discrimination on the basis of race, color, sex, religion, disability, age, and national origin. DOJ's Civil Rights Division and the U.S. Attorneys enforce a variety of criminal and civil statutes that protect the constitutional and statutory rights of the Nation's citizens.

In 2002, DOJ will devote increased resources to its responsibilities associated with worker exploitation; the Voting Rights Act; criminal civil rights violations; and the President's New Freedom Initiative for the Americans with Disabilities Act. Other priority areas include enforcement efforts to combat housing and lending discrimination and a study to determine the extent to which police engage in racial profiling.

The Voting Rights Act requires certain jurisdictions to submit redistricting changes to the Attorney General for review and clearance. As redistricting data from the 2000 Census are released, DOJ will experience a surge of activity in this area. Additional resources will be provided to address requirements for the timely review of voting changes and redistricting proposals submitted by covered jurisdictions, as required by the Voting Rights Act.

HUD's Office of Fair Housing and Equal Opportunity expects to receive over 11,000 allegations of housing discrimination in 2002. Combating housing discrimination supports many larger public policy objectives. Most significantly, the prevention and education of discrimination in housing and housing-related transactions helps bridge the large gap in home ownership rates that now exists between racial and ethnic groups (especially African-Americans and Hispanics).

- Through its Comprehensive Enforcement Program for strategically focusing agency resources on performance goals, the Equal Employment Opportunity Commission (EEOC) plans to continue improving the timeliness and quality of service to the public. In 2002, the performance goals for EEOC are to reduce its backlog of private sector complaints by six percent from 34,297 in 2000 to 32,296. To accomplish this goal, EEOC plans to increase the percent of newly filed charges resolved within 180 days from 55 percent in 2000 to 60 percent in 2002.
- EEOC also plans to sustain or increase the goal for "beneficial" resolutions from 20 percent in 2000 to 22 percent in 2002. "Beneficial" outcomes include conciliations, successful mediations, settlements with benefits, and withdrawals with benefits. These outcomes are the result of both the nationwide mediation program, which resolves disputes early in a non-adversarial setting, and stronger investigator-attorney collaboration to effectively address substantive issues.

Litigative and Judicial Activities

Department of Justice: United States Attorneys offices are the chief prosecutorial arm of the Federal Government within their judicial district and are responsible for the majority of criminal and civil litigation for the United States. Each U.S. Attorney's office is responsible for investigating and prosecuting alleged violations of Federal law brought to their attention by Federal, State, and local law enforcement agencies. Prosecution of those who violate Federal law is supported by the six litigating divisions of DOJ that specialize in specific areas of law—Civil, Criminal, Civil Rights, Environment and Natural Resources, Tax, and Antitrust. In 2002, Project Sentry will support partnerships of Federal, State, and local law enforcement agencies to establish Safe School Task Forces and appropriately prosecute juveniles who violate firearms laws, as well as adults who illegally purchase guns for juveniles.

Legal Services Corporation (LSC): The Federal Government, through LSC, ensures equal access to our Nation's legal system by providing funding for civil legal assistance to low income persons. For millions of Americans, LSC-funded legal services is the only resource available to access the justice system. LSC provides direct grants to independent local legal services programs chosen through a system of competition. LSC programs serve clients in every State and county in the Nation. Last year, LSC-funded programs provided legal assistance and information to almost one million clients. Legal services clients are as diverse as the Nation, encompassing all races, ethnic groups, and ages. They include the working poor, veterans, family farmers, people with disabilities, and victims of natural disasters. The most common types of cases that people bring to LSC-funded offices are related to domestic violence, family law, housing, employment, Government benefits, and consumer matters.

Judicial Branch: The Judicial Branch is comprised of over 2,100 trial judges, magistrates, and bankruptcy judges, in addition to the nine justices of the Supreme Court. The system is made up of a three-tiered hierarchy with the Supreme Court at the top, the 13 courts of appeals in the middle, and the 94 district courts, the Court of International

Trade, and the Court of Federal Claims at the bottom. The Federal judicial system is empowered by Article III of the Constitution to ensure that certain rights and liberties are extended to all persons. The system has witnessed historic growth in recent years that is chiefly attributable to the expanding jurisdiction of Federal courts in the form of over 200 new Federal laws, and the increased criminal filings in district courts along the Southwestern United States border where five districts now account for roughly one-quarter of all criminal filings nationwide.

Correctional Activities

The 2002 Budget proposes \$4.7 billion for corrections activities, a \$360 million increase over the 2001 level. As of December 2000, there were over 146,100 inmates in the Federal prison system, up 125 percent since 1990. This growth is due to tougher sentencing guidelines, the abolition of parole, minimum mandatory sentences, and significant increases in law enforcement spending. This increase is largely associated with the arrest and conviction of drug offenders, who now account for 57 percent of inmates in the Federal system.

The rapid growth in inmate population is expected to continue. This presents a significant management and financial challenge to the Federal Government and the Bureau of Prisons. Despite the investment of more than \$5 billion for prison construction over the past decade, the prison system is currently operating at 32 percent over rated capacity, up from 22 percent at the end of 1997. These conditions could potentially jeopardize public safety. To reverse this trend, the 2002 Budget includes almost \$1 billion in new funding for activation of newly-constructed Federal prisons, for prison construction and modernization, and for contract bed space.

- The 2002 Budget also provides funding to ensure that the Federal Bureau of Prisons continues to enroll at least 34 percent of all inmates in one or more educational programs, that two-thirds of all prisoners attain a "GED," or high school diploma, at least seven months prior to their release, and that virtually all eligible

inmates are enrolled in residential drug treatment programs.

- In addition, the budget includes \$5 million to evaluate the effectiveness of a faith-based, prison pre-release program in reducing the recidivism rate among ex-offenders. The program will be piloted at four Federal prisons that are geographically diverse, encompass varying levels of security, and include both male and female inmate populations to provide the data for the evaluation.

The National Capital Revitalization and Self-Government Improvement Act of 1997 transferred prison operations from the District of Columbia (D.C.) to the Federal Bureau of Prisons. The Bureau of Prisons will be responsible for housing all D.C. adult sentenced felons. All but one of the correctional facilities at the Lorton Correctional Complex have been closed, with only the Central Facility housing approximately 1,760 inmates remaining open. Currently, the Bureau of Prisons has accepted 3,149 of the approximately 8,000 D.C. adult felony inmates. All remaining D.C. adult felony inmates will be transferred to the Federal prison system when the Central Facility at the Lorton Correctional Complex is closed, no later than December 31, 2001.

Criminal Justice Assistance for State and Local Governments

The budget proposes \$4.2 billion to help State and local governments fight crime, including \$575 million to assist crime victims. This level reflects a \$1 billion reduction in discretionary spending on State and local law enforcement assistance, which grew 500 percent between 1992 and 2001. The proposed reductions represent only six-tenths of a percent of State and local governments total criminal justice spending, and would come from programs that have already served their primary purpose or are less essential to Federal law enforcement objectives. Reductions include funding for such programs as State Prison Grants and a portion of the hiring grants under the Community Oriented Policing Services (COPS) program, both of which have

achieved their original goals, and the discretionary portion of the Byrne Grant program, which has been heavily directed to special projects on a non-competitive basis. The budget continues funding for school resource officers under the COPS program. Even at the reduced level, the budget proposes a number of targeted initiatives and selected increases.

Protecting Children from Gun-Related Crime: The budget proposes \$154 million in initiatives to help State and local governments protect our young people from gun-related violence and accidents. In coordination with the U.S. Attorneys' Project Sentry, \$20 million in grants will be available to help establish partnerships for reducing youth gun violence. To ensure that free child safety locks are made available for every single handgun in America by 2006, \$75 million will be allocated to Project ChildSafe. The budget also provides \$50 million for grants to encourage States to get tough on gun criminals with increased arrests, prosecutions, and public awareness campaigns.

Drug Control and Treatment: As part of the Administration's broader strategy for reducing the supply and demand for drugs, the 2002 Budget proposes a new \$50 million grant program within COPS to aid counties along the Southwest border with the costs of detaining and prosecuting drug cases referred to them by U.S. Attorneys. In addition, the Residential Substance Abuse Treatment program would receive \$74 million (\$11 million over 2001) to help fund drug treatment for State and local prisoners.

Stopping Violence against Women: To combat the significant problem of violence against women, the budget proposes \$391 million (\$103 million above 2001) to fund both existing and new programs authorized in the Violence Against Women Act of 2000.

- In 2002, the Violence Against Women Office plans to provide grants and technical assistance to aid 256 additional localities in developing pro-arrest policies and enforcement orders.